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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MILO & GABBY, LLC, and KAREN)
10 KELLER, an individual,) CASE NO. C13-1932RSM
11)
12 Plaintiffs,) ORDER GRANTING DEFENDANT’S
13) MOTION FOR JUDGMENT ON
14 v.) COUNTERCLAIMS
15)
16 AMAZON.COM, INC.,)
17)
18 Defendant.)
19 _____)

20 This matter comes before the Court on Defendant’s Motion for Judgment on its Third,
21 Fourth and Fifth Counterclaims for Declaratory Judgment. Dkt. #54. Defendants argue that
22 because these Counterclaims “mirror” Plaintiffs’ copyright, Lanham Act, and Digital
23 Millennium Copyright Act claims which the Court has previously dismissed on summary
24 judgment and/or found in favor of Defendant, there is nothing further to resolve with respect to
25 the Counterclaims and declaratory judgment should be entered in favor of Defendant. *Id.*
26 Plaintiffs argue that the Third Counterclaim has not been fully resolved, and therefore the
27 motion should be denied with respect to that Counterclaim. Dkt. #60. With respect to the
28 Fourth and Fifth Counterclaims, Plaintiffs acknowledge that the Court resolved those issues
and dismissed Plaintiffs’ claims for the reasons set forth in Defendant’s Counterclaims, but

1 argue that the Counterclaims should simply be dismissed as moot, with leave to renew them if
2 this matter is reversed on appeal. *Id.*

3 Having reviewed Defendant's motion, the response in opposition thereto and reply in
4 support thereof, along with the remainder of the record, the Court hereby FINDS and ORDERS
5 that Defendant's Motion for Declaratory Judgment on its Third, Fourth and Fifth
6 Counterclaims (Dkt. #54) is GRANTED for the reasons discussed by Defendant, and for those
7 set forth in this Court's prior Order on summary judgment. *See* Dkts. #44, #54 and #63.
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9 The Court shall enter declaratory judgment on Defendant's Third, Fourth and Fifth
10 Counterclaims in favor of Defendant and against Plaintiffs.
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12 DATED this 1 day of September 2015.

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15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE
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